

Message

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**From:** Hurl, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]  
**Sent:** 12/4/2019 2:13:17 PM  
**To:** Moffatt, Brett [Moffatt.Brett@epa.gov]  
**Subject:** RE: UPDATE | ADEQ Clean Water Act 404 Program Assumption  
**Attachments:** 404.Options.StateAssumption.2019.11.2.docx

Oh, but you were not on the 404g rule workgroup calls. You were on the national 404 g calls. I often update folks on rule progress but the national calls (and folks on them) don't actually review or help craft options for the rule. I can leave you on that one and add you to the rule work group; take you off the national calls and add you to the rule workgroup or leave as is. Let me know.

Attached here is the tribal paper we hope to talk about today on the rule workgroup call. The call is from 4-5 pm eastern and the call in is [Ex. 6 Personal Privacy (PP)] code: [Ex. 6 Personal Privacy (PP)]. Let me know if you want/plan to join us today but also what your preference is for the long term.

BTW there will be a second discussion on a paper for tribal assumption (this one focuses on when a state assumes and coordination with the tribes).

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**From:** Moffatt, Brett <Moffatt.Brett@epa.gov>  
**Sent:** Tuesday, December 03, 2019 6:03 PM  
**To:** Hurl, Kathy <Hurl.Kathy@epa.gov>; Ziegler, Sam <Ziegler.Sam@epa.gov>; Goldmann, Elizabeth <Goldmann.Elizabeth@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>  
**Subject:** RE: UPDATE | ADEQ Clean Water Act 404 Program Assumption

Thank you Kathy. And yes, I will participate more in the 404(g) rule workgroup. I was away during last week's call.

Brett

Brett Moffatt  
US EPA, Region 9, ORC  
(415) 972-3946

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**From:** Hurl, Kathy <Hurl.Kathy@epa.gov>  
**Sent:** Tuesday, December 03, 2019 5:48 AM  
**To:** Ziegler, Sam <Ziegler.Sam@epa.gov>; Goldmann, Elizabeth <Goldmann.Elizabeth@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>  
**Subject:** RE: UPDATE | ADEQ Clean Water Act 404 Program Assumption

Thanks for all your work and leadership on this Sam. Hope everyone had a great Thanksgiving.

Elizabeth thanks for all your coordination, technical insight and the hardest job of all, corralling us all!

Brett, the legal assistance was key to getting us as far as we did. Were you serious about wanting to help with the 404(g) rule? Asking as we are starting to work on tribal issues/options for the rule and thought you might want to weigh in. 😊

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**From:** Ziegler, Sam <[Ziegler.Sam@epa.gov](mailto:Ziegler.Sam@epa.gov)>  
**Sent:** Monday, December 02, 2019 7:38 PM  
**To:** Goldmann, Elizabeth <[Goldmann.Elizabeth@epa.gov](mailto:Goldmann.Elizabeth@epa.gov)>; Moffatt, Brett <[Moffatt.Brett@epa.gov](mailto:Moffatt.Brett@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Wesson, Dolores <[Wesson.Dolores@epa.gov](mailto:Wesson.Dolores@epa.gov)>  
**Subject:** FW: UPDATE | ADEQ Clean Water Act 404 Program Assumption

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**From:** Torres, Tomas <[Torres.Tomas@epa.gov](mailto:Torres.Tomas@epa.gov)>  
**Sent:** Monday, December 2, 2019 4:35 PM  
**To:** Ziegler, Sam <[Ziegler.Sam@epa.gov](mailto:Ziegler.Sam@epa.gov)>; Brush, Jason <[Brush.Jason@epa.gov](mailto:Brush.Jason@epa.gov)>; Smith, DavidW <[Smith.DavidW@epa.gov](mailto:Smith.DavidW@epa.gov)>; Blake, Ellen <[Blake.Ellen@epa.gov](mailto:Blake.Ellen@epa.gov)>; Gullatt, Kristin <[Gullatt.Kristin@epa.gov](mailto:Gullatt.Kristin@epa.gov)>  
**Subject:** FW: UPDATE | ADEQ Clean Water Act 404 Program Assumption

FYI

Tomás Torres

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**From:** Stoker, Michael B. <[stoker.michael@epa.gov](mailto:stoker.michael@epa.gov)>  
**Sent:** Monday, December 2, 2019 3:42 PM  
**To:** Torres, Tomas <[Torres.Tomas@epa.gov](mailto:Torres.Tomas@epa.gov)>  
**Cc:** Jordan, Deborah <[Jordan.Deborah@epa.gov](mailto:Jordan.Deborah@epa.gov)>; Munoz, Charles <[munoz.charles@epa.gov](mailto:munoz.charles@epa.gov)>; Hage, Christopher <[hage.christopher@epa.gov](mailto:hage.christopher@epa.gov)>; Quast, Sylvia <[Quast.Sylvia@epa.gov](mailto:Quast.Sylvia@epa.gov)>; Ebbert, Laura <[Ebbert.Laura@epa.gov](mailto:Ebbert.Laura@epa.gov)>; LEONIDO-JOHN, STEVEN <[Leonido-John.Steven@epa.gov](mailto:Leonido-John.Steven@epa.gov)>; Blake, Ellen <[Blake.Ellen@epa.gov](mailto:Blake.Ellen@epa.gov)>  
**Subject:** Re: UPDATE | ADEQ Clean Water Act 404 Program Assumption

Done

Best regards,  
Mike Stoker  
Southwest Region Administrator US-EPA  
(213) 215-3104

On Dec 2, 2019, at 4:30 PM, Torres, Tomas <[Torres.Tomas@epa.gov](mailto:Torres.Tomas@epa.gov)> wrote:

Mike,

ADEQ has officially announced that they are not pursuing 404 program assumption (see below). Per our prior conversation, you can now call the following Tribal leaders to let them know that given AZ's decision, EPA will not proceed with initiating government-to-government consultation on the 404 program. As you know, both, Gila River and ITCA previously requested that EPA initiate government-to-government consultation on this matter.

Mervin Wright – RTOC Co-Chair and Environmental Director at Pyramid Lake Paiute Tribe  
(775) 354-5290 or (775) 574-0101 ext 17.

Steven Lewis – Governor, Gila River Indian Community  
(520) 562-9841

Maria Dadgar – Executive Director, Intertribal Council of Arizona

(760) 737-7628

Tomás Torres

**From:** Arizona Department of Environmental Quality <[AZDEQ@public.govdelivery.com](mailto:AZDEQ@public.govdelivery.com)>

**Sent:** Monday, December 2, 2019 2:59 PM

**To:** Ziegler, Sam <[Ziegler.Sam@epa.gov](mailto:Ziegler.Sam@epa.gov)>

**Subject:** UPDATE | ADEQ Clean Water Act 404 Program Assumption

<image001.jpg>

## UPDATE | Clean Water Act (CWA) 404 Program Assumption

Just over a year ago, ADEQ began a collaborative stakeholder process to draft a roadmap for Arizona to assume the Clean Water Act Section 404 Permitting program. Almost 500 people engaged by attending stakeholder meetings, participating in work groups and providing over 2,100 comments. The majority of stakeholder input supported retaining the current process.

Based on this, ADEQ has decided not to continue pursuing state assumption of the 404 permitting program. Stakeholder engagement is an integral part of the potential development of any program, and the Department appreciates the participation of so many people sharing their perspectives. Materials will remain available at <http://azdeq.gov/cwa-404>.

Thank you for helping to make this stakeholder engagement a successful process for informed decision making.

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### About ADEQ

Under the Environmental Quality Act of 1986, the Arizona State Legislature established the Arizona Department of Environmental Quality in 1987 as the state agency for protecting and enhancing public health and the environment of Arizona. For more information, visit [azdeq.gov](http://azdeq.gov).

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This email was sent to [ziegler.sam@epa.gov](mailto:ziegler.sam@epa.gov) using GovDelivery Communications Cloud on behalf of: Arizona Department of Environmental Quality (ADEQ) · 1110 West Washington Street · Phoenix, AZ 85007 · 1-802-771-2300

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